

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

McCarty Creek Allotment
Grazing Permit

Environmental Assessment (EA)
DOI-BLM-MT-C020-2013-0158-EA

For Further Information Please Contact:

Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
406-233-2800

BLM



PROPOSED ACTION: The proposed action is to revise grazing management and issue a grazing permit for the McCarty Creek Allotment. The term of the permit will be for ten years March 1, 2014 through February 28, 2024. The permit will read as follows:

GR #2503636

Allotment Name	Pasture	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
McCarty Creek	Home	9	Cattle	03/01	02/28	100	Custodial	108
	Home	48	Sheep	03/01	02/28	100	Custodial	116
	AMP	120	Cattle	06/01	10/31	94	Active	567
	AMP	3	Cattle	06/01	10/12	94	Active	12
	Higgins Exchange	7	Cattle	06/01	10/01	100	Active	36

Total Active AUMs: 803

Terms and Conditions:

Line 1 & 2: Grazing is authorized during the listed season for the recognized capacity of the public land. Livestock will not be on the public land continuously for the entire season. Livestock numbers are not restricted.

Line 3: Grazing use in accordance with the revised McCarty Creek AMP described in the FONSI and decision signed July 1, 2013 for DOI-BLM-MT-C020-2013-0158-EA.

West Pasture – 45 Days 200 C 07/01 – 08/14 (Even Years)
06/01 – 07/15 (Odd Years)
East Pasture – 30 Days 200 C 06/01 – 06/30 (Even Years)
07/16 – 08/14 (Odd Years)

Line 4: Is to authorize the entire preference.

Line 5: Refers to exchange of use with Gussie Richards Allotment (00500), paid for by Gussie Richards Allotment.

The permittee will notify the Miles City Field Office when adjustments need to be made to the grazing schedule.

Actual use is due within 15 days after grazing is ended in the AMP pastures; or permittee will be billed for the total preference and actual use will be required.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Miles City Field Office

111 Garryowen Road

Miles City, Montana 59301-7000

www.blm.gov/mt

In Reply Refer To:

4100 (4160.1)

GR# 2503636

July 24, 2013

Myron & Valerie Johnston

372 Hammond Road

Hammond, MT 59332

Certified Mail No: 70113500000345173941

Return Receipt Requested

NOTICE OF PROPOSED DECISION

BACKGROUND

The McCarty Creek Allotment (#10357) is located approximately 33 miles south of Ekalaka in Carter County. The McCarty Creek Allotment consists of 4,353 acres of land managed by the BLM containing 803 AUMs of authorized active use, 5,222 acres of private lands, 640 acres of state land, and 160 acres of Tribal Indian Land.

The allotment was assessed for and did not meet Land Health Standards in 2012.

In May, 2013 the BLM initiated an environmental assessment to address concerns on the allotment and to renew the grazing permit #2503636. The applicant has provided a valid deed showing control of the base property for the permitted use within the McCarty Creek allotment. All required forms have been submitted and accepted by the Miles City Field Office.

In May, 2013 a Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment (DOI-BLM-MT-C020-2013-0158-EA) to analyze the issuance of the grazing permit to Myron & Valerie Johnston for the above mentioned allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on July 1, 2013.

PROPOSED DECISION

Therefore, it is my proposed decision to select the proposed action, as contained within the EA (DOI-BLM-MT-C020-2013-0158-EA), to issue a grazing permit to Myron and Valerie Johnston for the McCarty Creek Allotment. The term of the permit would be for ten years, from March 1, 2014 to February 28, 2024. The permit would be issued as follows:

GR #2503636

Allotment Name	Pasture	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
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Total Active AUMs: 803

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Line 3: Grazing use in accordance with the revised McCarty Creek AMP described in the FONSI and grazing decision signed July 1, 2013 for DOI-BLM-MT-C020-2013-0158-EA.

West Pasture – 45 Days	200 C	07/01 – 08/14 (Even Years)
		06/01 – 07/15 (Odd Years)
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Line 4: Is to authorize the entire preference.

Line 5: Refers to exchange of use with Gussie Richards Allotment (00500), paid for by Gussie Richards Allotment.

The permittee will notify the Miles City Field Office when adjustments need to be made to the grazing schedule.

Actual use is due within 15 days after grazing is ended in the AMP pastures; or permittee will be billed for the total preference and actual use will be required.

RATIONALE

The issuance of the grazing permit is provided through a deed showing control of the base property for this allotment being submitted to the BLM. The deed contained the legal descriptions of the base property associated with this allotment.

Upon receiving all forms the Miles City BLM Field Office interdisciplinary team initiated an Environmental Assessment (DOI-BLM-MT-C020-2013-0158-EA) to analyze the issuance of the grazing permit for the allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on July 1, 2013. Existing information indicates the allotment is not meeting the Standards for Rangeland Health (43 CFR 4180). The AMP revision in this decision will initiate progress toward meeting the Standards. Conditions on the allotment will be monitored to ensure progress is occurring.

The BLM determined that Myron and Valerie Johnston meet the qualifications to be an applicant to hold the grazing permit. The issuance of the permit complies with 43 CFR §4110.1, 4110.2-1, and 4110.2-2.

AUTHORITY

The following sections of the Code of Federal Regulations, Chapter 43, provide authority for the actions proposed in this grazing decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf

§4110.1 Mandatory qualifications

§4110.2-1 Base property.

§4110.2-2 Specifying permitted use.

§4130.2 Grazing permits or leases

§ 4120.2 Allotment management plans and resource activity plans.

§ 4120.3–2 Cooperative range improvement agreements.

§4130.3 Terms and conditions

§4130.3-1 Mandatory terms and conditions

§4130.3-2 Other terms and conditions

§4130.3-3 Modification of permits and leases

§4160.1 Proposed decisions

§4160.2 Protests

§4160.3 Final decisions

§4160.4 Appeals

RIGHT OF PROTEST AND APPEAL

Protest:

Any applicant, permittee, lessee, or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager, Field Manager
Bureau of Land Management, Miles City Field Office
111 Garryowen Road
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice. A written protest electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a protest. A written protest must be on paper.

Appeal:

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21 9 and 43 CFR 4.471, pending final determination of an appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final (43 CFR 4160.4).

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470, which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits.
- 3) The likelihood of immediate and irreparable harm if the stay is not granted.
- 4) Whether the public interest favors granting the stay.

ENCLOSURES FOR REPLY

Find enclosed 2 copies of your grazing permit. Please sign both copies and promptly return them both to the Miles City Field Office. Once officially signed by the Authorized Officer, you will be provided with a signed copy for your records.

Also enclosed is copy of your BLM allotment map. Please review the enclosed map and notify this office of any inaccuracies. Please mark fenceline locations and return the edited map to this office.

If you have any questions on this document or would like to discuss your allotment map, please contact Matt Lewin, Rangeland Management Specialist at (406) 233-2834 or Reyer Rens, Supervisory Rangeland Management Specialist at (406) 233-2866.

Sincerely,



Todd D. Yeager
Field Manager, Miles City Field Office

Enclosed:
BLM Grazing Permit (2 copies)
Allotment Map
(Please sign and return to the Miles City Field Office)

cc: Rebecca McCabe
890 Highway 323
Ekalaka, MT 59324

Certified Mail No: 70113500000345173958
Return Receipt Requested